



Crl.O.P.Nos.23436,23458, 23465 & 23467 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.Nos.23436,23458, 23465 & 23467 of 2025

A.Ashok Agarwal

... Petitioner in all Crl.O.Ps.

Vs.

1. The State represented by,
The Inspector of Police,
E-2, Royapettah Police Station,
Royapettah, Chennai – 600 014.

2. McCamm Erickson (India) Pvt. Ltd.,
Represented by its Commercial Manager,
Jeffrey James,
Office at 2nd Floor, No.10,
Sriman Srinivasa Cross Street,
Venus Colony, Alwarpet,
Chennai - 600 018.

... Respondents in all Crl.O.Ps.

COMMON PRAYER : Criminal Original Petitions are filed under Section 528 of BNSS, to call for the records in C.C.Nos.2433, 2434, 2435 & 2438 of 2016 pending on the file of the learned Metropolitan Magistrate Fast Track Court - I, at Egmore, Allikulam, Chennai and set aside the order of issuing bailable warrant in C.C.Nos. 2433, 2434, 2435 & 2438 of 2016 dated 21.06.2025 by the learned Fast Track Court-I, Egmore, Allikulam, Chennai.



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In all CrI.O.Ps.,

For Petitioner : Mr.K.Elangovan

For R1 : Mr.R.Vinothraja
Government Advocate (Criminal Side)

COMMON ORDER

Challenges have been made to the orders of the trial Court issuing bailable warrants against the petitioner/A2.

2. It is the grievance of the petitioner that the 2nd respondent/de facto complainant had, in fact, not pressed the prosecution against the petitioner/A2 as early as on 04.12.2024. Thereafter, on 21.06.2025, the trial Court issued a bailable warrant against A2 for his non appearance. As the de facto complainant himself had not pressed the case against A2 on 04.12.2024, issuance of the bailable warrant is not correct.

3. According to the learned counsel for the petitioner, though reliance was placed on the daily orders, it appears that, though it is recorded as if A2, A3, A4, A5, A6, A7 and A10 are not pressed, it is also mentioned that A1, A2, and A8 are absent, under Section 317 Cr.P.C petition filed and allowed. Hence, the adjudication does not reflect the orders actually passed.



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It is doubtful whether any endorsement has been properly made by the de

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facto complainant to give up the case against the petitioner/A2.

4. In such view of the matter, the petitioner is directed to appear before the trial Court. Since a bailable warrant has been issued by the Trial Court, the same shall be recalled. If the de facto complainant had made an endorsement in person that the prosecution against A2 is not pressed, the trial Court shall take note of such endorsement, and pass appropriate orders in accordance with law.

5. In view of the submission of the learned counsel for the petitioner, the personal appearance of the petitioner/A2 is dispensed with, except for receipt of copies, answering the charges, questioning under section 313 Cr.P.C. and on the date of pronouncing judgment and on any other dates as fixed by the Trial Court.

6. With the above observations and directions, these Criminal Original Petitions are disposed of.

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Neutral Citation: Yes/No

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1. The Metropolitan Magistrate,
Fast Track Court-1, Egmore @ Allikulam,
Chennai.
2. The Inspector of Police,
E-2, Royapettah Police Station,
Royapettah, Chennai – 600 014.
3. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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***Crl.O.P.Nos.23436, 23458, 23465
& 23467 of 2025***

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